



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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April 28, 1992

Mr. Ken Phippen
Utah Division of Wildlife Resources
455 W. Railroad Ave.
Price, Utah 84501

Dear Mr. Phippen:

Re: Regular Program of Biological Monitoring of Eccles Creek, Utah Fuel Company, Skyline Mine, ACT/007/005, Folder #2, Carbon County, Utah

I telephoned you some time ago and asked about your feelings concerning the need for Utah Fuel Company (Skyline Mine) to conduct a regular program of biological monitoring of Eccles Creek. Skyline's plan states, "Future aquatic monitoring is planned on an 'as needed' basis established with DWR and required in case of a major perturbation or other anomalous condition." We recognize that DWR may be conducting ongoing monitoring of Eccles Creek and that some of this data could be submitted by Utah Fuel, but we would like to determine if the information currently available is adequate to meet the requirements of the regulations discussed below.

In his February 28, 1992, letter to you, Mr. Harry Campbell of the Division of Water Quality asked about the effects of Skyline's TDS exceedance on Eccles Creek and if there are impacts to the trout fishery, other cold water aquatic life, or the food chain.

As part of permit renewal, which is expected April 30, we are trying to determine if an annual program of biological monitoring of Eccles Creek, including macroinvertebrates, should be required. Our regulation R645-301-322.100 requires that the scope and level of detail for wildlife information that needs to be contained in the plan be determined by the Division (Oil, Gas and Mining) in consultation with state and federal agencies with responsibilities for fish and wildlife and will be sufficient to design the operational protection and enhancement plan required under R645-301-333. The requirement under this second regulation is that the Operator provide a description of how, to the extent possible, using the best technology currently available, disturbances and adverse impacts to fish and wildlife and related environmental values during coal mining and reclamation operations will be minimized during coal mining and reclamation operations, including the location and operation of haul and access roads and support facilities

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so as to avoid or minimize impacts on important fish and wildlife species or other species protected by state or federal law; and how enhancement of these resources will be achieved, where practicable. The rationale for an annual monitoring is to provide information on aquatic values to assess the effectiveness of "best technology currently available" practices to minimize impacts to the system. In order to make the requirement that Skyline perform aquatic biological monitoring, we feel that we need to have your consent.

We realize that the permit will be renewed on April 30 and that you have probably not had time to review this mining and reclamation plan. When you are able to provide some comments, we would request that you discuss this specific issue.

Sincerely,

A handwritten signature in dark ink, appearing to read 'P. Baker'.

Paul Baker
Reclamation Biologist

cc: D. Haddock
DWR.SKY